

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN CLERKS OFFICE
FILED
2006 MAR 21 P 3:43
DISTRICT OF MASS.

IN RE PHARMACEUTICAL INDUSTRY)
AVERAGE WHOLESALE PRICE) MDL NO. 1456
LITIGATION) Civil Action No. 01-12257-PBS
)
) Hon. Patti B. Saris
THIS DOCUMENT RELATES TO)
ALL CLASS ACTIONS) Chief Mag. Judge Marianne B. Bowler
)

DEFENDANTS' MOTION FOR LEAVE TO FILE UNDER SEAL

Defendants to the Amended Master Consolidated Class Action Complaint respectfully move this Court for leave to file the following documents under seal:

1. The Memorandum Of Law In Support Of Defendants' Motion To Compel Production Of Documents From Plaintiff Blue Cross Blue Shield Of Massachusetts; and
2. The Declaration of Adeel A. Mangi In Support Of Defendants' Motion To Compel Production Of Documents From Plaintiff Blue Cross Blue Shield Of Massachusetts.

Pursuant to the Protective Order entered by this Court on December 13, 2002 (the "MDL Protective Order"), the parties in the above captioned cases have designated many documents and other information produced in these cases as either "CONFIDENTIAL" or "HIGHLY CONFIDENTIAL." The above-listed documents incorporate—either directly or indirectly—information that has been designated "CONFIDENTIAL" or "HIGHLY CONFIDENTIAL." In particular, the above-listed filings attach or reference documents and deposition testimony of plaintiff, Blue Cross Blue Shield of Massachusetts, which has been designated by plaintiffs' counsel as "HIGHLY CONFIDENTIAL." Pursuant to paragraph 15 of the MDL Protective Order, any document or pleading containing quotes from or otherwise referencing such information shall be filed under seal.

WHEREFORE, the Defendants respectfully request that this Court grant them leave to file the above-listed documents under seal.

Dated: March 21, 2006

/s/ Andrew D. Schau

Andrew D. Schau (admitted *pro hac vice*)

Erik Haas (admitted *pro hac vice*)

Adeel A. Mangi (admitted *pro hac vice*)

PATTERSON BELKNAP WEBB & TYLER LLP

1133 Avenue of the Americas

New York, New York 10036-6710

(212) 336-2000

*Attorneys for defendants Johnson & Johnson,
Centocor Inc. and Ortho Biotech Products L.P. on
behalf of all defendants to the Amended Master
Consolidated Class Action Complaint*

CERTIFICATION PURSUANT TO LOCAL RULE 7.1

Pursuant to Local Rule 7.1(a)(2), the undersigned certifies that I conferred with counsel for plaintiffs and was advised that plaintiffs consent to this motion.

/s/ Adeel A. Mangi
Adeel A. Mangi

CERTIFICATE OF SERVICE

I certify that on March 21, 2006 a true and correct copy of the foregoing motion was served on all counsel via Lexis/Nexis.

/s/ Adeel A. Mangi
Adeel A. Mangi